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B O O K S

September 30, 1999

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Dear Ted,

Thank you for letter #84, which just arrived. Interesting how one notices postmarks when time weighs heavy on one's mind. Your letter was dated September 21, and it was postmarked September 27! I was very upset by the prison's decision against legal calls. So, I have become increasingly aware of the time mail requires.

Okay, enough of my mood. I am holding up well enough all things considered. But one thing you said in your paragraph about *60 Minutes* bade me take pause. In short I am afraid that you are having second thoughts about publishing your book\*. The statement to which I refer is this: "...I'm tempted by the idea of retaliating against my brother... I'm not going to do it." I understand that you were writing specifically of the sensational portrayal of him as a "sell-out" radical and the propagandistic nature of such a story. But there is a certain amount of retaliation against your brother in the book, and I wondered if you were having second thoughts about the entire project. I also recalled Quin and Judy saying that you shouldn't use the 1979 autobiography. Well, were you to follow ~~there~~<sup>his</sup> advice to a "t" there would be no book. There is no way around the fact that there is a certain amount of risk associated with the publication of *Truth versus Lies*. (I know I am a little panicked, but I will calm down—I actually feel better as I sit here writing to you.) The risk has been there all along. I am willing to accept risk. Given the circumstances of your appeal and the hope to suppress evidence, I understand the nature of the risks you face in the event that you should find yourself back in court. And as I have said already, I'm totally behind you and want what's best for you. I hope in the process that you can help out with my situation to the extent that this is possible. And by the way, I am not really worried that you will scrap the project—I understand the situation and accept responsibility for much of this ado. No sidestepping. I'm interesting in getting things in order now. And again I apologize deeply for the current problems. I truly thought we were finished. I overestimated your sense of my reliability—and I apologize.

\*I no longer think this — 3 hours later; also see same 91, 5-4 b.

9/30/99

(2)

The phone rang while I was typing in the last sentence. I am typing this sentence while having a conversation with Miller about your letter, and this conversation is irritating me immensely. (More on this conversation in the next paragraph.) Ten minutes later: Vicki Gordon on the phone wondering why I said "explosive story about your brother". (Because that's what they said they would do. Now they say "anything he wants to do")—she's still talking. Still talking. I have to admit that that radical slant may ~~have~~<sup>be</sup> some of my imprimatur ~~on it~~, since you know that was one of my pet theories for a while. Now, ~~put~~<sup>hear</sup> a facsimile of quotes from the Dubner article in front of me that I have to fact-check. Still talking to Vicki who is now telling me about a conversation she had with Steve Fischler (I put them in contact with each other since Fischler needs FCC authorization.) Half an hour later; fact-checking done (see enclosed). Talking to after fact-checking Dubner, she returned my call to hear about the ~~interview~~<sup>interview</sup> in *Boston Globe* (also enclosed but incomplete from fax that was sent to me earlier). ~~calming~~<sup>calming</sup> me down. She said that things are going to work out, and I guess she's right. Fifteen minutes later: Dubner's on the phone now asking me to relay a message to you. While I typed this simultaneous account of the last hour or so I also completed a contract and developed a headache. It's just plain busy. Hrumpf. Now, back to my conversation with Miller.

#### ~~the remaining issues~~

I am hoping that ~~this issue~~<sup>this issue</sup> can be cleared up in the letter that Miller will be writing presently. He seems to understand that legal penumbra in this situation will be impossible; I have asked him to give you the straight dope, with no double talk (as far as any lawyer is capable of that). Here's what I understood: First, he addressed a hypothetical based on the four documents he requested. He said that the four documents would be open to inspection with a waiver to all else, but then added a caveat saying that nothing could be said for certain with regard to such a waiver, since a judge could decide NOT to grant one. My interpretation: one step forward, one step back. Since the shades of possibility are so miniscule, I have asked him to explain this to you himself. My understanding: there is a high degree of probability that this protection will be reliable. A high degree of probability is not a certainty, so I don't know what decision you will want to make. Of course you will want to read Miller's letter before responding to anything I've written here, since I may have gotten something wrong. Miller also seems to think that non-privileged material can be entered into civic record while still maintaining constitutional protection in a criminal case, and he is looking for precedent before writing to you. I am willing to make some sort of compromise that will allow the book to be published, and I hope to figure this out (in terms of my room-for-compromise) with Miller by tomorrow. I *hope* it will be tomorrow.

Now, for Dubner. As you know, he pulled his piece from *Talk* when the editor-in-chief of that magazine made changes that left out important information and added stupid editorial comments that tended to make you as one-dimensional as most media portrayals of you. The editor-in-chief was uncomfortable with the sympathetic portrayal of you. It seems that Dubner was more sympathetic ~~towards~~<sup>towards</sup> you than your brother. Dubner, unless a complete huckster, seems to be the most honest person I have met in the media. There is one person close in the running (i.e., Lisa Chase, who was his editor at *Talk*, and who actually resigned because of this last-minute editing and is now out of a job with her integrity intact). At any rate, here is what he asked me to relay to

9/30/99

(3)

you: He has been straightforward with you all along and wants to continue to do so. His goal is to publish his article intact. *Time Magazine* had agreed to publish it "as is." He has no idea if you will like the article, but thinks that you will appreciate it and wants you to know that he has been "as fair as possible." Finally, he is intent on publishing the article in a form that is consistent with the article that he first wrote to you about. That is it. He asked me to relay the above to you after learning that I was in the process of writing to you. He will also write to you. *Time* only expressed interest in the article two days ago, and it is still not certain that they will publish the piece. They thought it was news. They have been known to change their content at the last moment.

I am very curious about this article. I noticed what I perceived to be inaccuracies and told him about them. They are marked in the margins of the enclosure. I also was not sure about one of the legal changes that Miller made, so I asked them to paraphrase that. A photography editor at *Time* asked if they might use one of my photographs of you. I declined. I will send you a contact sheet as soon as I get it back from *Time*. I think some of them are quite good. Dubner tells me that he has a picture of you and I together. I want a copy. Let me know if you would like to have one, too.

I am now resigned to wait, as you know. But I wanted to mention what amounts to a conundrum. Your book and all of the publicity attached to it might very well help push through your request for the appeal. I understand that it must first be made acceptable and rendered harmless with regard to the proper unfolding of that appeal process. But here's the problem: I think people might start to question whether this book will ever come out. I hope not, but media people and book buyers alike can be real assholes. I have told people that the delay is unavoidable, and that you have been totally accommodating in all respects. I think it is important for people to understand this about you, my positive comments will hopefully help to change the way people perceive you. But I'm just blathering. I'm here, ready and waiting, trying to keep you abreast of everything. And I await your next letter (and the chance to get moving on the next book (ISIF).

Be well.

Fondly,  
Beau.

P.S.: Regarding the letter about legal counsel that I sent to you undated, I can confirm to you now that I wrote that letter during the first week of September 1999—based on a draft written by Miller.